

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**STANLEY HERBERT**

Plaintiff

vs.

**MILFORD TOWING & SERVICE,  
INC., et al.**

Defendants

: CASE NO. **C-1-00-855**  
:  
: **MAGISTRATE JUDGE HOGAN**  
:  
:  
: **MOTION IN LIMINE OF**  
: **DEFENDANT QUENTIN KLUTE**  
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Pursuant to Federal Rule of Civil Procedure 609(A) and 403, Defendant Quentin Klute hereby moves the Court for an order in limine preventing any questions at trial regarding Defendant Quentin Klute's prior conviction for possession of marijuana. The following Memorandum is offered in support of this Motion.

**MEMORANDUM**

During the discovery deposition of Defendant Quentin Klute he was asked certain questions at pages 10, 11 and 12 of the deposition regarding conviction of crimes. When he was around 27 years old he was convicted of possession of marijuana in the U.S. District Court for the Northern District of Kentucky. His conviction date for that crime was May 23, 1994.

This conviction for marijuana possession has absolutely no relevance as far as any of the issues in the within action are concerned. Even assuming arguendo that some relevance might exists, the probative value of admitting this evidence does not outweigh the prejudicial effect that the admission of such evidence would have on Defendant Klute.

Moreover, a conviction for possession of marijuana is not a crime that involves dishonesty or false statement. The marijuana conviction offers no relevant basis for attempting to attack the credibility of Defendant Quentin Klute. Said Defendant therefore requests that the Court grant his Motion In Limine and prevent any questioning as to his conviction for possession of marijuana.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

**MARK J. BYRNE - #0029243**

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Mark J. Byrne

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